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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,557	09/29/2004	Hiroshi Kakuda	09812.0396-00000	5886
22852 7590 05/16/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ALI, OMAR R	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/509,557	KAKUDA, HIROSHI	
	Examiner	Art Unit	
	Omar Abdul-Ali	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the original filing of September 29, 2004.

Amended Claims 1-25 are pending and have been considered below.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 20, and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 20 and 25 are drawn to a computer program per se. A computer program is not a series of steps or acts and this is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program by itself does not fall within any of the four categories of invention. Therefore, Claims 20 and 25 are not statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayes et al. (US 2002/0143805).

Claims 21, 23, 24, and 25: Hayes discloses a readable medium and device, comprising:

a. storage means for storing operation screen information, which is a constituent element for editing of a plurality of operation screens to be edited by said control apparatus, said operation screen information being operation screen information making a control apparatus display an operation screen that is to be operated when said information processing apparatus is controlled (page 5, paragraph 84/page 8, paragraph 123/page 9, paragraph 134);

b. transmission means for transmitting said operation screen information stored by said storage means to said control apparatus through wireless communication in response to a request from said control apparatus (page 6, paragraph 93).

Claim 22: Hayes discloses a readable medium and device as in Claim 21 above, further comprising:

a. said operation screen information is selected based on feature information indicating a feature of said control apparatus, wherein said transmission means transmits said operation screen information selected based on said feature information to said control apparatus (page 7, paragraph 116).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-8, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. (US 2002/0143805).

Claims 1, 18, 19, and 20: Hayes discloses a readable medium and device, comprising:

a. detection means for detecting an information processing apparatus through wireless communication (page 6, paragraph 93);

b. first acquisition means for acquiring respective operation screen information of a plurality of said information processing apparatuses if said plurality of information processing apparatuses is detected by said detection means, said first acquisition means being acquisition means for acquiring said operation screen information for displaying said operation screen that is to be operated when said information processing apparatus is controlled (page 6, paragraph 93/page 7, paragraph 116);

c. storage management means for managing storage of said already acquired operation screen information (page 5, paragraph 84);

d. first acquisition means acquires said operation screen information storage; of which is managed by said storage management means (page 5, paragraph 84/page 6, paragraph 93);

Hayes does not explicitly disclose an editing means for editing said plurality of operation screen information so that said plurality of operation screens are displayed in a single display region if said plurality of operation screen information is acquired by said first acquisition means. Hayes also does not explicitly disclose a display means for displaying said operation screens based on said operation screen information edited by said editing means. However, Hayes does disclose the ability to move functions from one display screen to another display screen and that any screen layout of text or images is possible (page 8, paragraph 123/page 9, paragraph 134). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the screen information could be displayed in a single display region. One would have been motivated to display a plurality of operation screen information in a single display region in order to provide a simple user interface requiring little navigation between operation screens.

Hayes does not explicitly disclose a control means for controlling said information processing apparatuses based on an input provided from said operation screens displayed by said display means. However, Hayes does disclose an RF I/O manager that handles all two-way data communication between applications and remote resources (page 5, paragraph 92). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a control means for

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controlling said information apparatuses. One would have been motivated to include a control means for controlling said information apparatuses based on an input in order to operate the devices remotely.

Claim 2: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

a. said first acquisition means acquires said operation screen information from said information processing apparatus through said wireless communication (page 6, paragraph 93).

Claim 3: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

a. said first acquisition means acquires said operation screen information from a predetermined server managing said operation screen information through said wireless communication (page 5, paragraph 92).

Claim 6: Hayes discloses a readable medium and device as in Claim 1 above, but does not explicitly disclose an intensity detection means for detecting intensities of said respective radio waves emitted from said plurality of information processing apparatuses, wherein said editing means edits, based on detection by said intensity detection means, said operation screen information so that said operation screen of said information processing apparatus that emits a high intensity radio wave is

displayed by priority. However, it would have been obvious to include an intensity detection means for detecting intensities of radio waves emitted from remote devices in order to display these devices in order of priority. For example, when detecting wireless networks in the computer arts, the networks with the highest signal strength are displayed first. One would have been motivated to include an intensity detection means in Hayes in order to only display the devices that are in range of the remote.

Claim 7: Hayes discloses a readable medium and device as in Claim 6 above, but does not explicitly disclose said display means determines, based on detection by said intensity detection means, whether or not said control apparatus is out of a communication coverage with said information processing apparatuses, if it is determined that said control apparatus is out of said communication coverage, said operation screen is displayed so that transparency thereof is gradually increased at every predetermined time. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an option to change the appearance of an appliance that is out of the communication range of the remote device. One would have been motivated to display the operation screen so that transparency is gradually increased at every predetermined time in order to notify the user that the signal intensity of an appliance is becoming weaker as the remote device is moved.

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Claim 8: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

a. said editing means edits said plurality of operation screen information so that said operation screen being operated is continuously displayed (page 15, paragraph 178).

Claim 15: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

a. said operation screen information is described in an HTML (page 9, paragraph 134).

Claim 16: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

a. second acquisition means for acquiring other operation screen information in accordance with a category of said information processing apparatus, wherein said display means displays, until said operation screen information is acquired by said first acquisition means, other operation screen based on said other operation screen information acquired by said second acquisition means (page 8, paragraph 118).

Claim 17: Hayes discloses a readable medium and device as in Claim 1 above, further comprising:

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a. if said information processing apparatus transmits said operation screen information, said first acquisition means transmits feature information indicating a feature of said control apparatus and acquires said operation screen information transmitted from said information processing apparatus in response to said transmission (page 7, paragraph 116).

7. Claims 5, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. (US 2002/0143805) in view of Hideyuki (JP 09-023487).

Claim 5: Hayes discloses a readable medium and device as in Claim 1 above, but does not explicitly disclose said storage management means clears less frequently used operation screen information from among said operation screen information, said storage of which is managed. Hideyuki discloses a similar device that further discloses no longer displaying the symbol of a function that is hardly used, decreasing the number of symbols on the display (paragraph 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to clear less frequently used operation screen information in Hayes. One would have been motivated to clear less frequently used operation screen information to only present the user with operation screen information that is needed.

Claim 9: Hayes discloses a readable medium and device as in Claim 1 above, but does not explicitly disclose a history management means for managing a history of control of

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said information processing apparatus, which is performed by said control means.

Hideyuki discloses a similar device that further discloses tracking the operating frequency of specific users, and changing the display pattern in a display means according to the tracking result (paragraph 11/paragraphs 14-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a history management means in Hayes. One would have been motivated to include a history management means in order to personalize the display for a user according to usage patterns.

Claim 10: Hayes and Hideyuki disclose a readable medium and device as in Claim 9 above, and Hideyuki further discloses tracking the operating frequency of control functions for each user, and choosing the display pattern according to the operating frequency of said control function (paragraphs 14-15). Though neither reference explicitly discloses displaying the most recently operated function by priority, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the design disclosed by Hideyuki to display the most recently operated function by priority. One would have been motivated to display the most recently operated function by priority in order to allow the user to easily access the last function used when operating the remote.

Claim 11: Hayes and Hideyuki disclose a readable medium and device as in Claim 9 above, and Hideyuki further discloses tracking the operating frequency of control

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functions for each user, and choosing the display pattern according to the operating frequency of said control function (paragraphs 14-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to edit said operation screen information screen information so that a most frequently used operation screen is displayed by priority. One would have been motivated to display a most frequently used operation screen by priority in order to provide a display pattern catered to a user's interest.

Claim 12: Hayes and Hideyuki disclose a readable medium and device as in Claim 9 above, and Hideyuki further discloses tracking the operating frequency of control functions for each user, and choosing the display pattern according to the operating frequency of said control function (paragraphs 14-15). Though neither reference explicitly discloses editing the operation screen based on which operation screen information is most likely to be used within a period of time, including a current time, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the data tracked by the history management means in Hideyuki would include usage according to time. One would have been motivated to edit the display based on a period of time in order to allow the user to view the operations that are most likely to be used at a certain time of the day.

Claim 13: Hayes and Hideyuki disclose a readable medium and device as in Claim 9 above, and Hideyuki further discloses tracking the operating frequency of control

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functions for each user, and choosing the display pattern according to the operating frequency of said control function (paragraphs 14-15). Hayes further discloses an operating screen with TV, Cable, and VCR controls included on the same screen (Figure 1). Therefore, it would have been obvious to one having ordinary skill in the art to provide a selection means for selecting other information processing apparatus relevant to said information processing apparatus based on said history managed by said history management means, so that said operation screen of said other processing apparatus is selected by said selection means is displayed together with said operation screen of said information processing apparatus. One would have been motivated to display relevant operation screens together in order to allow the user to easily operate the appliances that are most likely to be used together.

Claim 14: Hayes and Hideyuki disclose a readable medium and device as in Claim 9 above, and Hideyuki further discloses tracking the operating frequency of control functions for each user, and choosing the display pattern according to the operating frequency of said control function (paragraphs 14-15). Hayes further discloses an operating screen with TV, Cable, and VCR controls included on the same screen (Figure 1). Though neither reference explicitly discloses said selection means selects other information processing apparatus relevant to said information processing apparatus based on a time difference between times at which said information processing apparatus and said other information processing apparatus are respectfully controlled, said times being obtained from said history, it would have been obvious to

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one having ordinary skill in the art at the time the invention was made to track the times each application is accessed along with the frequency of operation in order to determine the relevancy between each information processing apparatus. One would have been motivated to select other information processing apparatus relevant to said information processing apparatus based on a time difference in order to display relevant appliances together according to a user's usage patterns.

Conclusion

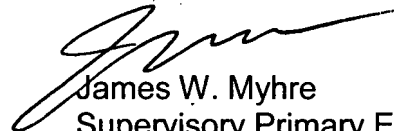
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
05/09/2007



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